

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

Case No. CR07-288-RSL

V.

AARON S. CLARKE,

Defendant.

**PROPOSED FINDINGS OF FACT
AND DETERMINATION AS TO
ALLEGED VIOLATIONS OF
SUPERVISED RELEASE**

INTRODUCTION

I conducted a hearing on alleged violations of supervised release in this case on August 30, 2011. The defendant appeared pursuant to a warrant issued in this case. The United States was represented by Sarah Vogel, and defendant was represented by Nancy Tenney. Also present was U.S. Probation Officer Jennifer Van Flandern. The proceedings were digitally recorded.

SENTENCE AND PRIOR ACTION

19 Defendant was sentenced on June 12, 2008, by the Honorable Robert S. Lasnik for
20 Conspiracy to Distribute Marijuana. He received 27 months of detention and 4 years of
21 supervised release.

22 On May 14, 2010, the Court was notified that Aaron Clarke violated the terms of his
23 supervised release by using opiates on or before May 2, 2010. No action was taken by the Court.

1 On August 24, 2010, the Court was notified that Aaron Clarke violated the terms of his
2 supervised release by committing new offenses of Driving While License Suspended Third
3 Degree and Operating a Motor Vehicle Without Insurance, on or about July 22, 2010. No action
4 was taken by the Court as Mr. Clarke otherwise remained in compliance with his supervision
5 requirements.

On June 1, 2011, Mr. Clarke's supervised release was modified to include a condition that he reside in a Residential Reentry Center for up to 120 days. This occurred following a search of Mr. Clarke's residence in which numerous items of heroin-related drug paraphernalia were found. Mr. Clarke also admitted to use of heroin over the previous three months.

10 On June 20, 2011, a violation report and petition for warrant was submitted to the Court
11 alleging Mr. Clarke failed to report to the Residential Reentry Center as directed on June 17,
12 2011, and failed to participate in substance abuse treatment as directed by the probation officer
13 on June 17, 2011.

14 On July 22, 2011, Mr. Clarke's term of supervised release was revoked and he was
15 sentenced to serve 30 days in custody followed by a three-year term of supervised release, which
16 included his placement at a Residential Reentry Center for up to 120 days.

PRESENTLY ALLEGED VIOLATIONS

18 In a petition dated August 16, 2011, U.S. Probation Officer Sarah C. Cavendish alleged that
19 defendant violated the following conditions of supervised release:

20 1. Failing to reside in and satisfactorily participate in a residential reentry center
21 program for up to 120 days, and by being terminated from the Tacoma Progress House on
22 August 16, 2011, in violation of a special condition of supervised release.

1 **FINDINGS FOLLOWING EVIDENTIARY HEARING**

2 Defendant admitted the above violations, waived any hearing as to whether they occurred,
3 and was informed the matter would be set for a disposition hearing on September 19, 2011, at
4 9:00 a.m., before District Judge Robert S. Lasnik.

5 **RECOMMENDED FINDINGS AND CONCLUSIONS**

6 Based upon the foregoing, I recommend the court find that defendant has violated the
7 conditions of his supervised release as alleged above, and conduct a disposition hearing.

8 DATED this 30th day of August, 2011.

9
10 
11 BRIAN A. TSUCHIDA
12 United States Magistrate Judge